

Mohsen - 10/052,671  
Responsive to 7/12/05 Office Action

### REMARKS

Reconsideration and allowance are respectfully requested. Claims 59-73 are now pending. Claims 23-58 are canceled without prejudice to, or disclaimer of, the subject matter recited therein, and new claims 59-73 are added. No new matter has been added.

Claims 1-22 are rejected for various reasons in the Office Action. However, claims 1-22 were previously canceled in the Preliminary Amendment filed January 17, 2002. Accordingly, none of the claims have yet been examined.

In any event, the previously pending claims (claims 23-58) are hereby preliminarily canceled prior to substantive examination and replaced with new claims 59-75. The new claims are similar to the claims issued in U.S. Patent No. 5,377,124 ("the '124 patent"), which is presently expired due to an unavoidable failure to pay a maintenance fee.

As to the Examiner's request for information regarding the litigation of U.S. Patent No. 5,544,069, Applicant's representative recently took over prosecution of the present application and is presently gathering information about the litigation that may be relevant to the present application. Applicant's representative has not had the opportunity to gather such information in time to include with the present response. However, Applicant's representative will separately provide any relevant information to the U.S. Patent and Trademark Office as soon as possible.

All rejections having been addressed, allowance and notification of the same are respectfully requested. Should the Examiner have any questions or believe that a telephone call or personal interview would be beneficial, the Examiner is invited to contact the undersigned at the number below.

Respectfully submitted,

BANNER & WITCOFF, LTD.

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By:



Jordan N. Bodner  
Registration No. 42,338

1001 G Street, N.W.  
Washington, D.C. 20001-4597  
Tel: (202) 824-3000  
Fax: (202) 824-3001